

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

JESSE TYLER RILEY,

§

Petitioner,

§

v.

§

2:21-CV-269-Z-BR

DIRECTOR, TDCJ-CID,

§

Respondent.

§

ORDER

On February 14, 2022, the United States Magistrate Judge entered a Findings, Conclusions, and Recommendation (“FCR”) to Dismiss Petition for a Writ of Habeas Corpus (ECF No. 7). No objections to the FCR have been filed. After making an independent review of the pleadings, files, and records in this case, the Court **ADOPTS** the Magistrate Judge’s FCR. The Petition for a Writ of Habeas Corpus (ECF No. 3) is **DISMISSED** and Petitioner’s Motion to Appoint Counsel (ECF No. 4) and Motion for Evidentiary Hearing (ECF No. 5) are thereby **DENIED** as moot.

Considering the record in this case and pursuant to Federal Rule of Appellate Procedure 22(b), Rule 11(a) of the Rules Governing Section 2254 Cases in the United States District Courts, and 28 U.S.C. § 2253(c), the Court **DENIES** a certificate of appealability, because Petitioner has failed to make “a substantial showing of the denial of a constitutional right.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000); *see also Hernandez v. Thaler*, 630 F.3d 420, 424 (5th Cir. 2011).

The Court **ADOPTS** and **INCORPORATES** by reference the Magistrate Judge’s FCR in support of its finding Petitioner has failed to show: (1) reasonable jurists would find this Court’s “assessment of the constitutional claims debatable or wrong,” or (2) reasonable jurists would find

“it debatable whether the petition states a valid claim of the denial of a constitutional right” and “debatable whether [this Court] was correct in its procedural ruling.” *Slack*, 529 U.S. at 484.

SO ORDERED.

March 8, 2022



MATTHEW J. KACSMARYK
UNITED STATES DISTRICT JUDGE